IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE EIGHTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETION Nos. 27032 & 26957 of 2003

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WRIT PETITION NO : 27032 of 2003

Between:

Mandadi Dharmesh Reddy, S/o Padmanabha Reddy,
R/o 5-9/35, Road No.8, Green Hills Colony,
Habsiguda, Hyderabad.

..... PETITIONER

AND

1 The Superintendent of Police, Warangal District.
2 The Superintendent of Police, Karimnagar District.
3 The Superintendent of Police, Khammam District.

.....RESPONDENTS

WRIT PETITION NO : 26957 of 2003

Between:

Tummala Pradeep Reddy S/o Raghava Reddy
Business, R/o B-5, Ravindra Nagar Colony,

Habsiguda, Hyderabad

..... PETITIONER

AND

1 The Superintendent of Police, Warangal District
2 The Superintendent of Police Karimnagar District
3 TheSuperintendent of Police, Khammam District

.....RESPONDENTS

Petitions under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue Writ order or Direction more particularly one in the nature of Writ of Mandamus, declaring the action of the Respondents in calling the petitioners in both the writ petitions to the police Stations in their respective jurisdictions without there being any complaint or registration of Crime as arbitrary and illegal and against the provisions of Articles 14 and 16 of the Constitution of India.

Counsel for the Petitioners in both the Writ Petitions: MR.K.RAM REDDY

Counsel for the Respondents in both the Writ Petitions: GP FOR HOME

The Court made the following :

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NOs : 27032 and 26957 of 2003

COMMON ORDER:

The point that falls for consideration in both the writ petitions is one and the same. Hence, they are heard together and disposed of by this common Order.

The plea of the writ petitioners is that the police are unnecessarily harassing the petitioners. It is not in dispute that both the writ petitioners are partners who have established a company as Harsha Leafin Commercial Limited to carry on various types of businesses, particularly financial leasing and hire purchase activities, which was registered with Registrar of Companies in the year 1996 vide C.No.01-22766/1995-96. As the police are harassing, they filed the present writ petitions.

The Circle Inspector of police, Kothagudem filed a counter in W.P.No.26957 of 2003 stating that there are three police stations in Kothagudem town namely I-town, II-town and III-town police stations and the petitioner failed to mention to which police station he was called and that the present writ petition was filed under the apprehension of his arrest that the police may take action against him if any complaint is lodged against him. In the counter filed in W.P.No.27032 of 2003 it is clearly stated that Cr.Nos.29 of 2002 and 41 of 2004 were registered under Sections 406 and 420 of IPC.

against the petitioner and 9 others which includes the petitioner in W.P.No.27032 of 2003. On registering a crime basing on the complaints of the victim depositors the matter in Crime No.29 of 2002 was compromised on 16-04-2003 before the Lok Adalat, whereas, Cr.No.41 of 2004 is under investigation. The petitioner has not disclosed about registration of Cr.No.29 of 2002 and the matter was compromised before the Lok Adalat on 16-04-2003. Since the crime has already been registered at the instance of victim depositors, who deposited the amount with the Harsha Leafin Commercial Limited, the police are bound to investigate and call for the accused for investigation into the matter before laying charge sheet.

In view of the same, the contention of the Learned counsel for the petitioners that the petitioners have resigned long back to the company is the subject matter of enquiry which can be gone into during the course of investigation.

The Writ Petitions are accordingly dismissed. No costs.

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kvr 8th July, 2004

To

1 The Superintendent of Police, Warangal District
2 The Superintendent of Police Karimnagar District
3 TheSuperintendent of Police, Khammam District

4 Two C.Cs to the G.P. for Home, High Court of AP Buildings,

High Court of AP, Hyderabad. (O.U.T.)

5 Two C.D.Copies.